

must be shown under the provisions of paragraph (d)(1) or (d)(2) of this section, as appropriate; or

(ii) Remain a Stage 3 airplane after the change in type design. Compliance must be shown under the provisions of paragraph (e)(2) of this section.

(2) If compliance with Stage 3 noise levels is required before the change in type design, the airplane must be a Stage 3 airplane after the change in type design.

(3) Applications on or after [August 14, 1989.] The airplane must remain a Stage 3 airplane after the change in type design.

(4) If an airplane is a Stage 3 airplane prior to a change in type design, and becomes a Stage 4 after the change in type design, the airplane must remain a Stage 4 airplane.

(f) *Stage 4 airplanes.* If an airplane is a Stage 4 airplane prior to a change in type design, the airplane must remain a Stage 4 airplane after the change in type design.

[Amdt. 36-7, 42 FR 12371, Mar. 3, 1977; Amdt. 36-8, 43 FR 8730, Mar. 2, 1978; Amdt. 36-10, 43 FR 28420, June 29, 1978; Amdt. 36-12, 46 FR 33464, June 29, 1981; Amdt. 36-15, 53 FR 16366, May 6, 1988; 53 FR 18950, May 25, 1988; Amdt. 36-17, 54 FR 21042, May 15, 1989; Amdt. 36-54, 67 FR 45212, July 8, 2002; Amdt. 36-26, 70 FR 38749, July 5, 2005]

§ 36.9 Acoustical change: Propeller-driven small airplanes and propeller-driven commuter category airplanes.

For propeller-driven small airplanes in the primary, normal, utility, acrobatic, transport, and restricted categories and for propeller-driven, commuter category airplanes for which an acoustical change approval is applied for under § 21.93(b) of this chapter after January 1, 1975, the following apply:

(a) If the airplane was type certificated under this part prior to a change in type design, it may not subsequently exceed the noise limits specified in § 36.501 of this part.

(b) If the airplane was not type certificated under this part prior to a change in type design, it may not exceed the higher of the two following values:

(1) The noise limit specified in § 36.501 of this part, or

(2) The noise level created prior to the change in type design, measured and corrected as prescribed in § 36.501 of this part.

[Amdt. 36-16, 53 FR 47400, Nov. 22, 1988; 53 FR 50157, Dec. 13, 1988; Amdt. 36-19, 57 FR 41369, Sept. 9, 1992]

§ 36.11 Acoustical change: Helicopters.

This section applies to all helicopters in the primary, normal, transport, and restricted categories for which an acoustical change approval is applied for under § 21.93(b) of this chapter on or after March 6, 1986. Compliance with the requirements of this section must be demonstrated under appendix H of this part, or, for helicopters having a maximum certificated takeoff weight of not more than 7,000 pounds, compliance with this section may be demonstrated under appendix J of this part.

(a) *General requirements.* Except as otherwise provided, for helicopters covered by this section, the acoustical change approval requirements are as follows:

(1) In showing compliance with the requirements of appendix H of this part, noise levels must be measured, evaluated, and calculated in accordance with the applicable procedures and conditions prescribed in parts B and C of appendix H of this part. For helicopters having a maximum certificated takeoff weight of not more than 7,000 pounds that alternatively demonstrate compliance under appendix J of this part, the flyover noise level prescribed in appendix J of this part must be measured, evaluated, and calculated in accordance with the applicable procedures and conditions prescribed in parts B and C of appendix J of this part.

(2) Compliance with the noise limits prescribed in section H36.305 of appendix H of this part must be shown in accordance with the applicable provisions of part D of appendix H of this part. For those helicopters that demonstrate compliance with the requirements of appendix J of this part, compliance with the noise levels prescribed in section J36.305 of appendix J of this part must be shown in accordance with the applicable provisions of part D of appendix J of this part.

(b) *Stage 1 helicopters.* Except as provided in § 36.805(c), for each Stage 1 helicopter prior to a change in type design, the helicopter noise levels may not, after a change in type design, exceed the noise levels specified in section H36.305(a)(1) of appendix H of this part where the demonstration of compliance is under appendix H of this part. The tradeoff provisions under section H36.305(b) of appendix H of this part may not be used to increase any Stage 1 noise level beyond these limits. If an applicant chooses to demonstrate compliance under appendix J of this part, for each Stage 1 helicopter prior to a change in type design, the helicopter noise levels may not, after a change in type design, exceed the Stage 2 noise levels specified in section J36.305(a) of appendix J of this part.

(c) *Stage 2 helicopters.* For each helicopter that is Stage 2 prior to a change in type design, the helicopter must be a Stage 2 helicopter after a change in type design.

[Doc. No. 26910, 57 FR 42854, Sept. 16, 1992, as amended by Amdt. 36–25, 69 FR 31234, June 2, 2004]

Subpart B—Transport Category Large Airplanes and Jet Airplanes

§ 36.101 Noise measurement and evaluation.

For transport category large airplanes and jet airplanes, the noise generated by the airplane must be measured and evaluated under appendix A of this part or under an approved equivalent procedure.

[Amdt. 36–54, 67 FR 45212, July 8, 2002]

§ 36.103 Noise limits.

(a) For subsonic transport category large airplanes and subsonic jet airplanes compliance with this section must be shown with noise levels measured and evaluated as prescribed in appendix A of this part, and demonstrated at the measuring points, and in accordance with the test procedures under section B36.8 (or an approved equivalent procedure), stated under appendix B of this part.

(b) Type certification applications between November 5, 1975 and December 31, 2005. If application is made on or

after November 5, 1975, and before January 1, 2006, it must be shown that the noise levels of the airplane are no greater than the Stage 3 noise limit prescribed in section B36.5(c) of appendix B of this part.

(c) Type certification applications on or after January 1, 2006. If application is made on or after January 1, 2006, it must be shown that the noise levels of the airplane are no greater than the Stage 4 noise limit prescribed in section B36.5(d) of appendix B of this part. Prior to January 1, 2006, an applicant may seek voluntary certification to Stage 4. If Stage 4 certification is chosen, the requirements of § 36.7(f) of this part will apply.

[Amdt. 36–54, 67 FR 45212, July 8, 2002, as amended by Amdt. 36–26, 70 FR 38749, July 5, 2005]

§ 36.105 Flight Manual Statement of Chapter 4 equivalency.

For each airplane that meets the requirements for Stage 4 certification, the Airplane Flight Manual or operations manual must include the following statement: “The following noise levels comply with part 36, Appendix B, Stage 4 maximum noise level requirements and were obtained by analysis of approved data from noise tests conducted under the provisions of part 36, Amendment 36 (insert part 36 amendment to which the airplane was certificated). The noise measurement and evaluation procedures used to obtain these noise levels are considered by the FAA to be equivalent to the Chapter 4 noise level required by the International Civil Aviation Organization (ICAO) in Annex 16, Volume I, Appendix 2, Amendment 7, effective March 21, 2002.” [Incorporated by reference, see § 36.6].

[Amdt. 36–26, 70 FR 38749, July 5, 2005; 70 FR 41610, July 20, 2005]

Subpart C [Reserved]

Subpart D—Noise Limits for Supersonic Transport Category Airplanes

§ 36.301 Noise limits: Concorde.

(a) *General.* For the Concorde airplane, compliance with this subpart